

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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)  
)  
DONNA GLOFF, ) Civ Action No. 2:07-cv-736  
)  
Plaintiff, ) District Judge McVerrey  
) Magistrate Judge Caiazza  
)  
v. )  
)  
AETNA HEALTH, Inc., )  
)  
Defendant )

## MEMORANDUM ORDER

On June 6, 2007, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b) (1) (A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On August 22, 2007 the magistrate judge issued a Report and Recommendation (Doc. 8) regarding Defendant's Motion to Dismiss the Complaint (Doc. 4). The magistrate judge recommended that the District Court grant this Motion without prejudice to the Plaintiff's right to amend her complaint to allege causes of action available under ERISA.

Service of the Report and Recommendation was made on the parties. No Objections were filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 19<sup>th</sup> day of September, 2007, IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss the Complaint (Doc. 4) is **GRANTED** without prejudice.

The Report and Recommendation of Magistrate Judge Caiazza dated August 22, 2007 (Doc. 8 ) is hereby adopted as the opinion of the court.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc:

Francis X. Caiazza

Counsel of Record  
Via Electronic Mail